

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**Carl Devito**

Plaintiff

vs.

**CASE NUMBER: 8:18-cv-1106 (DJS)**

**Commissioner of Social Security**

Defendant

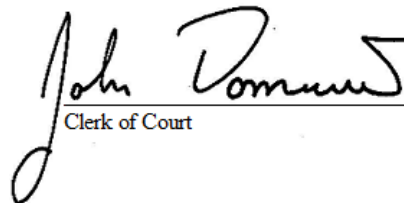
**Decision by Court.** This action came to a hearing before the Court. The issues have been heard and a decision has been rendered.

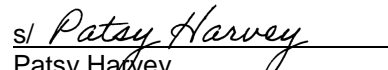
IT IS ORDERED AND ADJUDGED

That Plaintiff's Motion for Judgment on the Pleadings is **GRANTED**; and it is further **ORDERED**, that Defendant's Motion for Judgment on the Pleadings is **DENIED**; and it is further **ORDERED**, that Defendant's decision denying Plaintiff disability benefits is **VACATED**, and this case is **REMANDED**, pursuant to Sentence Four of 42 § U.S.C. 405(g) for proceedings consistent with this Decision and Order.

All of the above pursuant to the order of the Honorable **Daniel J. Stewart**, dated this 25<sup>th</sup> day of October, 2019.

DATED: October 25, 2019

  
Clerk of Court

s/   
Patsy Harvey  
Deputy Clerk